

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Ken Cohen, Assistant Town Administrator/797-1030

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** Town wide

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE PROVIDING FOR DISTRIBUTION OF THE PROCEEDS FROM BROWARD COUNTY ADDITIONAL ONE-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE EFFECTIVE JANUARY 1, 1999.

**REPORT IN BRIEF:** On June 2, 1998, the Board of County Commissioners enacted Ordinance No. 98-14, effective January 1, 1999, through December 31, 2004, to levy the additional one (1) cent local option gas tax. The County has amended this ordinance to provide for an extension of the levy of the tax through December 31, 2029.

The County levied this one cent gas tax, with the support of the Cities, to provide a “dedicated” revenue source for homeless assistance programs to maximize the funds leveraged from the Federal Government and other sources. The current five year interlocal agreement must be extended to ensure the continuation of current homeless assistance service levels. This proposed twenty five year extension of the gas tax and interlocal agreement is the maximum allowed by statute and is consistent with the terms of all eleven cents of local option gas taxes.

The gas tax currently supports over 720 beds in the County’s continuum of care at three full-service homeless assistance centers, a mental health safe haven, transitional shelter, medical respite care and a county-wide shelter bed hotline.

The establishment of this dedicated revenue source has enabled the leveraging of \$7 million annually in Federal Funds, \$4.4 million for a Chronic Homeless Initiative pilot project and \$1 million for three housing projects from the State Office on Homelessness.

**PREVIOUS ACTIONS:**

**CONCURRENCES:** Requires execution by the County

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Motion to approve this resolution

**Attachment(s):**

Resolution

First Amendment to Interlocal Agreement

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE PROVIDING FOR DISTRIBUTION OF THE PROCEEDS FROM BROWARD COUNTY ADDITIONAL ONE-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE EFFECTIVE JANUARY 1, 1999.

WHEREAS, Section 336.025 (1)(b)(2), Florida Statutes, authorizes the counties to extend the levy of an additional one (1) cent local option gas tax upon every gallon of motor fuel sold in Broward County; and

WHEREAS, the County has amended Ordinance No. 98-14 to provide for an extension of the levy of the tax through December 31, 2029;

WHEREAS, the Town Council supports the programs funded by the additional one-cent local option gas tax, and

WHEREAS, the parties to this Interlocal Agreement, wish to amend paragraph 5, to reflect the change to the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council does hereby authorize the Mayor to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

FIRST AMENDMENT  
to  
INTERLOCAL AGREEMENT  
between  
BROWARD COUNTY  
and  
DAVIE  
providing for  
DISTRIBUTION OF THE PROCEEDS FROM  
BROWARD COUNTY ADDITIONAL  
ONE-CENT LOCAL OPTION GAS  
TAX ON MOTOR FUEL ORDINANCE  
EFFECTIVE JANUARY 1, 1999

This is the First Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

WHEREAS, Section 336.025(1)(b)(2), Florida Statutes, authorizes the counties to extend the levy of an additional one (1) cent local option gas tax upon every gallon of motor fuel sold in Broward County; and

WHEREAS, on June 2, 1998, the Board of County Commissioners enacted Ordinance No. 98-14, effective January 1, 1999, through December 31, 2004, extending the levy of an additional one (1) cent local option gas tax; and

WHEREAS, the County has amended the Ordinance to provide for an extension of the levy of the tax through December 31, 2029; and

WHEREAS, the parties to this Interlocal Agreement, wish to amend paragraph 5, to provide for the extension of the term of the Agreement to reflect the change to the

ordinance; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 5 of the Interlocal Agreement, is hereby amended as follows:

5. This Agreement shall be in effect from January 1, 1999 to December 31, ~~2004~~ 2029, both inclusive.

2. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this First Amendment and the Agreement, the parties hereby agree that this document shall control.

3. This First Amendment shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population have executed this First Amendment prior to June 1, 2004.

4. This First Amendment may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

5. In the event a portion of this First Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this First Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
County Administrator and Ex-Officio  
Clerk of the Board of County  
Commissioners of Broward County,  
Florida

By \_\_\_\_\_  
Mayor  
\_\_\_\_ day of \_\_\_\_\_, 2004.

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
EDWARD A. DION, County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-7641

By \_\_\_\_\_  
Pamela M. Kane  
Assistant County Attorney

FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD  
COUNTY AND DAVIE PROVIDING FOR DISTRIBUTION OF THE PROCEEDS FROM  
BROWARD COUNTY ADDITIONAL ONE-CENT LOCAL OPTION GAS TAX ON  
MOTOR FUEL ORDINANCE EFFECTIVE JANUARY 1, 1999

**MUNICIPALITY**

WITNESSES:

DAVIE

\_\_\_\_\_

By \_\_\_\_\_  
Mayor-Commissioner

\_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

By \_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Municipal Manager

\_\_\_\_ day of \_\_\_\_\_, 2004.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
Municipal Attorney

PMK  
4/2/2004  
DaniaBeach1.DOCDAVIE